

Serial No.: 10/750,471
Examiner: George C. Monikang

REMARKS/ARGUMENTS

Claims 1-35 remain in this application with claims, with claims 1, 15 and 26 being independent claims. No claims have been canceled. Claims 1, 15 and 26 have been amended.

Regarding the 35 USC 103(a) rejection:

In the office action, independent claims 1, 15 and 26 were rejected under 35 USC 103(a) as being unapentable over Nakazawa (US Patent No. 5,715,317) in view of Applicant's admitted prior art (figs. 1-6; paragraphs 0002-0017, "AAPA"), and further in view of Brungart (US Patent 6,223,090). Applicant respectfully asserts that independent claims 1, and 26, as now presented and claim 15 as previously presented, are patentable over Nakazawa in view of AAPA and further in view of Brungart. Additionally, Applicant asserts that neither Nakazawa, AAPA, Brungart nor any of the cited references, whether taken alone or in any reasonable combination teach, disclose or render obvious the invention as presently claimed in independent claims 1, 15 and 26.

In particular independent claim 1 claims in part "adjusting the sound data transmitted to the listener subject in response to the sound-producing array making the determination that the listener subject rotated to the second position"; independent claim 15 claims in part " translating the determined time-relative changes in listener subject orientation into changes in an audio source spatial data set"; and independent claim 26 claims in part " said processor further for modifying the sound data stream in response to said sound-producing array determining at least one of the head orientation and torso orientation of the listener subject in the second position". Support for these limitation can at least be found in the present published application in paragraph [0041] and in reference to Figure 12.

Although Brungart discloses using a speaker and microphones to determine the rotation of the torso of the manikin, Brungart does nothing with the sound be transmitted to the torso or listener in response to the making of the determination of the rotation of the torso.

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Applicant respectfully asserts that nowhere in Nakazawa, AAPA, Brungart or any of the cited references are these limitations disclosed. As each and every element of independent claims 1, 15 and 26 is not disclosed in either Nakazawa, AAPA or Brungart (alone or combined), Applicant respectfully asserts that independent claims 1, 15 and 26, as now presented are patentable over the cited references.

Regarding claims 2-14, as these claims depend either directly or indirectly from independent claim 1, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 1, Applicant respectfully asserts that these claims are also patentable over the cited references.

Regarding claims 16-25, as these claims depend either directly or indirectly from independent claim 15, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 15, Applicant respectfully asserts that these claims are also patentable over the cited references.

Regarding claims 27-35, as these claims depend either directly or indirectly from independent claim 26, and therefore incorporate all the limitations therein, for the reasons set forth above with respect to claim 26, Applicant respectfully asserts that these claims are also patentable over the cited references.

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It is believed that the foregoing places the Application in condition for allowance; therefore, Applicants respectfully request withdrawal of the Examiner's rejection of the claims as set forth in the Office Action, and full allowance of same. Should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned at (512) 306-8533 to expeditiously resolve any outstanding issues.

Respectfully submitted,

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